IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11298 of 2004

Between:

M.S. Bhoopal Reddy, S/o M. Venkateshwar Reddy,
C/o Siva Reddy, R/o Nervada (V), Kurnool (M), Kurnool District.

..... PETITIONER

AND

1 The A.P. State Road Transport Corporation, rep. by its Managing Director, Musheerabad, Hyderabad.
2 The Depot Manager, APSRTC, Markapur Bus Depot, Prakasam District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ Order or direction or writ more particularly one in the nature of Writ of Mandamus declaring the order passed by the 2nd Respondent in proceedings No. 02/2(3)/04-MRKP, dt. 13-3-2004 deleting the Petitioner's name from the select list as illegal, unjust amounts to an act of victimization and unfair labour practice and also violative of Article 14, 16 and 21 of Constitution of India.

For the Petitioner:MR.G.RAVI MOHAN , Advocate

For the Respondent No.: MR.VENKATESWARLU POSANI

Standing counsel for APSRTC.

The Court Made the Following :

O r d e r:

The petitioner was selected by a duly constituted Selection

Committee as driver in the year 1998; as such he has been discharging his duties as driver. On 5-2-2004, an accident had taken place for which a show-cause notice was given. The petitioner submitted explanation for the show cause notice. Without conducting any inquiry the name of the petitioner was deleted from the Selected List/approved list on the ground that he caused a fatal accident.

The learned counsel for the petitioner contended that without conducting any inquiry, the name of the petitioner was deleted from the selected List/approved list and, therefore, prays to set aside the impugned order.

On the other hand, the learned Standing Counsel appearing for the respondents contended that since the petitioner is a daily wage employee, the regulations of the Corporation do not contemplate to conduct a regular departmental inquiry and after issuing notice, the name of the petitioner was rightly deleted from the list and, therefore, there are no grounds to interfere with the impugned order.

In similar circumstances, a Division Bench of this Court, confirmed an order passed a learned single Judge wherein it was held that liberty is given to the respondent-Corporation to take action against the employees, in accordance with law.

Admittedly, no inquiry is conducted in the present case. After calling for the explanation of the petitioner, the impugned proceedings have been issued. Though the Regulations do not contemplate that an inquiry has to be conducted in the case of daily wage employees, but deletion of the name from the list is in complete violation of the principles of natural justice.

Therefore, the writ petition is allowed setting aside the impugned proceedings issued by the second respondent in No.02/2(3)/04-MRKP, dated:13-3-2004. However, this order will not preclude the respondents from taking any disciplinary action against the petitioner as per law after giving an opportunity of being heard. In the circumstances no costs.

K.C. BHANU, J.

6—7—2004

BVS

To

1 The A.P. State Road Transport Corporation, rep. by its Managing Director, Musheerabad, Hyderabad.
2 The Depot Manager, APSRTC, Markapur Bus Depot, Prakasam District.

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